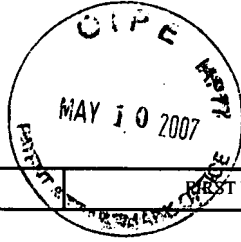




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APPLICATION NO.	FILING DATE	INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,993	12/15/2003	Eiji Ogata	JP920030014US1	2964

53493 7590 04/17/2007  
LENOVO (US) IP Law  
Mail Stop ZHHA/B675/PO Box 12195  
3039 Cornwallis Road  
RTP, NC 27709-2195

EXAMINER
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SONG, HOSUK

ART UNIT	PAPER NUMBER
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2135

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/735,993	<b>Applicant(s)</b> OGATA, EIJI	
	<b>Examiner</b> HOSUK SONG	<b>Art Unit</b> 2135	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6 and 7 is/are rejected.
- 7) ☒ Claim(s) 3-5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10735993</u> . | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2135

**DETAILED ACTION*****Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-7 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 of U.S. Patent No. 10/736016. Although the conflicting claims are not identical, they are not patentably distinct from each other.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2,6-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Eaves(US 6,351,782).

Claims 1,6,7: Eaves disclose security hardware for storing security key information so that it can be freely read and written in (fig.1#23c). Eaves disclose OS start admission for determining whether or

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not input data for user certification is valid when an OS starts based on security key information read from security hardware and admitting the OS to start if the determination result is positive in (col.3,lines 49-55). Eaves disclose OS start type selection for selecting and executing either a first type OS start for generating a system status in which security key information restoration is operable and operating OS start admission or a functionally restricted second type OS start for generating a functionally restricted system status in which security key information restoration is inoperable and not operating OS start admission in (fig.1 and col.3,lines 18-31,49-58). Eaves disclose cancellation means, generated during a period of the second system status for canceling the operation of OS start admission as to the first type OS start and cancel release means for releasing cancellation of the operation of OS start admission after the first type OS start having the operation of OS start admission canceled by cancellation is executed at once in (col.3,lines 49-55;col.13-35).

Claim 2: Eaves disclose input data for user certification is the data keyed in by the user on the first type OS start in (fig.1).

### ***Claim Objections***

Claim 1 is objected to because of the following informalities: To clarify the claim language, applicant is advised to avoid the language “(hereafter, referred to as a “first system status”) and “(hereafter, referred to as a “second system status”)” in the claim. Appropriate correction is required.

Claim 4 is objected to because of the following informalities: It is unclear as to what “no” and “yes” applicant is referring to. Appropriate correction is required.

### ***Allowable Subject Matter***

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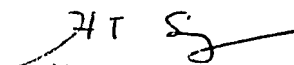
Claims 3-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***USPTO Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HOSUK SONG whose telephone number is 5712723857. The examiner can normally be reached on mon-fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KIM VU can be reached on 5712723859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
HOSUK SONG  
PRIMARY EXAMINER

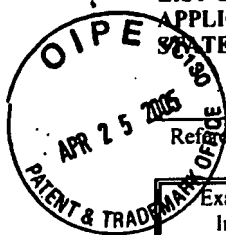
<b>FORM PTO - 1449 (Modified)</b>  <b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>  (Use several sheets if necessary)  Sheet 1 of 1	<b>Application Number</b>	unassigned
	<b>Filing Date</b>	herewith
	<b>First Named Inventor</b>	Eiji Ogata
	<b>Group Art Unit</b>	unassigned
	<b>Examiner Name</b>	unassigned
	<b>Attorney Docket Number</b>	JP920030014US1

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Patent Document Number	Kind Code	Country	Date of Publication mm/dd/yyyy	Pages, Columns, Lines Where Relevant Passages Appear
/HS/	F1	JP-2001-099466		Japan	04/13/2001	abstract
OTHER ART (Including Author (CAPITAL LETTERS), Title, Date, Pertinent Pages, etc.)						
Examiner Initials	Cite No.					
Examiner Signature      /Hosuk Song/				Date Considered      04/11/2007		
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.						

In Place of FORM PTO-1449 (Modified)

Serial No.: 10/735,993  
Applicants: Eiji Ogata  
Filing Date: 12/15/2003  
Group: 2131  
Atty. Docket No.: JP920030014US1

**LIST OF PATENTS AND PUBLICATIONS FOR  
APPLICANTS' INFORMATION DISCLOSURE  
STATEMENT**



Reference Designation

**U.S. PATENT DOCUMENTS**

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
___ AAA						
___ ABA						
___ ACA						
___ ADA						
___ AEA						
___ AFA						
___ AGA						
___ AHA						
___ AIA						
___ AJA						
___ AKA						

**FOREIGN PATENT DOCUMENTS**

Examiner Initial	Document Number	Date	Country	Class	Subclass	Translation	
						Yes	No
<del>/HS/</del> ALA	2002-236629	08/23/02	Japan	G06F	13/00	Yes	
___ AMA	2001-249784	09/14/01	Japan	G06F	3/12	Yes	
___ ANA	2002-361982	12/18/02	Japan	B41J	29/38	Yes	
___ AOA	2000-137557	05/16/00	Japan	G06F	3/00	Yes	
___ APA	2000-214944	08/04/00	Japan	G06F	1/00	Yes	
___ AQA	07-121448	05/12/95	Japan	G06F	12/14	Yes	
___ ARA	2002-185631	06/28/02	Japan	H04M	11/00	Yes	
✓ ASA	2003-131915	05/09/03	Japan	G06F	12/00	Yes	

**OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)**

Examiner  
Initial

/Hosuk Song/

04/16/2007

Examiner:

Date Considered:

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>Notice of References Cited</b>	Application/Control No. 10/735,993	Applicant(s)/Patent Under Reexamination OGATA, EIJI	
	Examiner HOSUK SONG	Art Unit 2135	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,351,782	02-2002	Eaves, David Reid	710/72
*	B	US-6,038,320	03-2000	Miller, Phillip R.	380/44
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

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	N					
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	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
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